

UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF CALIFORNIA

Omid Aghazadeh,
Defendant,
V.
Mark Aussieker,
Plaintiff.

Case No. 2:25-cv-00888 TLN AC

**DECLARATION OF OMID AGHAZADEH IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS AND STRIKE CLASS ALLEGATIONS**

I, Omid Aghazadeh, declare as follows:

1. I am the Defendant in the above-captioned action, proceeding pro se. I make this declaration in support of my Motion to Dismiss and Strike Class Allegations. I have personal knowledge of the matters set forth herein and, if called upon, could and would testify competently thereto.
2. Attached hereto as **Exhibit A** is a true and correct copy of the text message exchange with the Plaintiff. These messages show that Plaintiff responded voluntarily, continued the conversation, and even requested a phone call regarding a property.
3. Attached hereto as **Exhibit B** is a true and correct copy of email correspondence sent by Plaintiff. In these communications, Plaintiff admits he is pursuing this matter to "hurt" me in specific markets, not to remedy any privacy harm. He also makes personal and sarcastic remarks about my income and speculates about the legality of my business practices without basis. These statements, made before and outside of any formal settlement negotiation, reveal a retaliatory and competitive motive rather than any consumer-focused concern. They reinforce that this lawsuit is not rooted in the kind of harm the TCPA was intended to address.

Nothing in this declaration should be construed as a waiver of any argument or defense concerning jurisdiction, standing, or any other matter not raised in the accompanying motion

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Dated: June 11, 2025

Respectfully submitted,

Omid Aghazadeh
Pro Se Defendant

Exhibit A - 1/2

Text Message Exchange with Plaintiff

 9167058006

Hello KIMBERLY, Came across your property in SACRAMENTO. Are you open to options to sell it?

11/04/24 08:28 am

There are people living in it

11/04/24 08:37 am

Do you own the property at 34 ARCADE BLVD?

11/04/24 08:45 am

I am mark Aussieker and my wife is Kimberly. It's a four-plex and are you a company or a real estate agent?

11/04/24 08:52 am

My name is Natalie with Yuna Homes. I was reaching out about your property at 34 ARCADE BLVD. We work with a group of Investors in the SACRAMENTO area that are actively seeking to buy homes. Would you be open to sell?

11/04/24 08:58 am

How do you determine a price if you haven't seen the inside

11/04/24 09:16 am

Where did you go?

11/04/24 02:08 pm

Hello! MARK, This is Natalie, hope all is well. I just wanted to follow-up to see if you're open to sell 34 ARCADE BLVD?

12/04/24 08:59 am

Hey MARK, this is Natalie. I just acquired a few homes in/around SACRAMENTO. Would you be open to a proposal on your house?

12/14/24 08:59 am

Yes

12/14/24 09:26 am

HELP

12/14/24 09:36 am

That's Great! We buy cash and AS-IS. At this time we are actively buying houses in your zip code.

12/16/24 08:02 am

Have you done any major kitchen or bathroom renovations since you purchase the property?

12/16/24 08:02 am

No

12/16/24 08:03 am

Got it May I ask what prompted your decision to sell?

12/16/24 08:14 am

Headache

12/16/24 08:15 am

What do you mean?

12/16/24 08:25 am

I tried calling and it's a busy signal. What is good number to talk?

12/16/24 08:44 am

We do schedule all our calls in advance since we have a full schedule of calls daily. Are you really looking to sell?

12/16/24 08:50 am

Yes

Exhibit A - 2/2

Text Message Exchange with Plaintiff

I tried calling and it's a busy signal. What is good number to talk?

12/16/24 08:44 am

We do schedule all our calls in advance since we have a full schedule of calls daily. Are you really looking to sell?

12/16/24 08:50 am

Yes

12/16/24 08:50 am

I could write a paragraph on the headaches but it's easier to talk on the phone

12/16/24 08:51 am

You owe me \$15,000 for violating the TCPA.

12/16/24 11:18 am

Please pay

12/16/24 11:18 am

Please send copy of internal do not call policy to aussieker1@gmail.com and add this number to your do not call list

12/16/24 11:20 am

Exhibit B - 1/2
Email from Plaintiff

Mark Ausseker <ausseker1@gmail.com>

to me

Mon, Jan 6, 1:58 PM

☆ ↶ ⋮

Your company was identified as the sender of some text messages that sought to solicit the interest in the sale of a property. The sender said their name was YUNA HOMES and this appears to be a lie because there is no such entity in California under that name nor was that DBA registered in Sacramento, San Joaquin or Los Angeles county. It's a violation of federal regulations to give a name that doesn't adequately identify the caller. It's my opinion that you did this on purpose to avoid detection because you know you are texting and calling people on the do not call list. Giving a fake name stifles the process to hold your company accountable under Federal do not call laws.

I initiated a lawsuit against YUNA and in order to serve process against your company I served a subpoena on the phone carrier. I believe that a comparison was made with the information you supplied as part of registering and a screenshot of the message that said that you were identifying yourself yuna homes facilitated the process because it is illegal to give out a fake name.

Moving forward- I do not believe that the small claims will have jurisdiction over your LLC because there is not an active LLC. Contrary to your belief, I think it's illegal to wholesale and I will be seeking an injunction against you to stop you from soliciting prospective sellers in a few counties where it hurts me.

TCPA is part of the communications and that allows me to hold the owner personally liable. You recorded a video of yourself saying that you send 25,000 sms messages a day. I believe that I have sufficient proof of direct participation and involvement.

If you feel like you are not responsible or wish to identify a different company who is responsible, please let me know.

You made 750k in a year doing this???? Dang bro- that's some serious 1% percenter income. <https://www.instagram.com/reel/DEYmvZyKx1/2qsh=MTc4MmM1Yml2Ng==>

One attachment • Scanned by Gmail




Exhibit B - 2/2

Email from Plaintiff

Mark Aussieker <aussieker1@gmail.com>
to me ▾

Jan 19, 2025, 9:10 AM

⌵ ☆ ↶ ⋮

Hi Omid-
Its been two weeks and I have not heard back from you. I have two addresses for you. One in Florida and one in California. There is no Golden Capital Holdings LLC in California and I don't think I can sue you in small claims if your LLC doesn't have an agent in California. I need this information for the case to move forward in small claims court.

There is another option. I can dismiss the small claims case and refile in superior court. Superior court will always involve an attorney for an LLC and with small claims, an attorney is not required. Its up to you as to how you want to proceed.

Thank you,

Mark Aussieker